

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	3:06-cr-00038-RLY-CMM-18
vs.	)	
	)	
ARTHUR JONES, JR.,	)	
Defendant	)	

**REPORT AND RECOMMENDATION**

On November 10, 2021, the Court held an initial and final hearing on the Petition for Summons/Violation for Offender Under Supervision filed on October 19, 2021.

Arthur Jones (“Defendant”) appeared with FCD counsel, Gwendolyn Beitz. The Government appeared by Kristian Mukoski, Assistant United States Attorney. U. S. Probation appeared by Officer Jennifer Considine.

The parties advised the Court at the outset of the hearing that a proposed agreement was reached by which the defendant would admit Violation #2 and #3 in the petition [Docket No. 352] and the Government would dismiss Violation #1. The parties concurred that an eight-month prison term was an appropriate disposition of the matter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant waived his right to a preliminary hearing.

2. The Defendant was advised that this matter had been referred by the District Judge and that the District Judge has final authority whether to accept, reject, or modify the recommendation.

3. After being placed under oath, Defendant advised that he consented to the proposed agreement, had sufficient opportunity to consult with counsel, and was satisfied with her representation. Defendant admitted Violation No. 2 and No. 3. Docket No. [352].

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<b>VIOLATION NUMBER</b>	<b><u>NATURE OF NONCOMPLIANCE</u></b>
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- |    |                                                                                                                                                                                                                                                      |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. | "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician." |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

On October 9, 2021, Arthur Jones registered a 0.092% on a portable breathalyzer administered by a deputy from the Vanderburgh County Sheriff's Office.

- |    |                                                                                                                                                   |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance." |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------|

As previously reported to the court, Arthur Jones tested positive for marijuana on July 24, 2020, October 23, 2020, and May 18, 2021. He also admitted to marijuana use on August 2 and November 14, 2020, as well as throughout May 2021. Additionally, on January 17, 2020, he submitted a urine sample which tested positive for marijuana.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **C** violation.
- (b) Defendant's criminal history category is **VI**.

- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **8-14** months imprisonment.

5. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

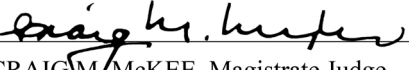
- (a) The Defendant violated the supervised release condition as alleged in Violation #2 and #3;
- (b) Violation #1 should be dismissed consistent with the parties' agreement;
- (c) The Magistrate Judge recommends that the defendant be sentenced to the custody of the U.S. Bureau of Prisons for a period of eight months without extension of any previously ordered supervised release to follow;
- (e) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge with the Magistrate Judge's recommendation for sentencing;
- (f) Consistent with the defendant's request, the Magistrate Judge recommends BOP placement not to include any Terre Haute facility.

Defendant shall remain in custody pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have 14 days after being served a copy of the Report and Recommendation to serve and file written objections with the District Judge.

Dated: November 10, 2021

  
CRAIG M. McKEE, Magistrate Judge  
United States District Court  
Southern District of Indiana

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